

giving written notice within twenty days from said decision filed with the clerk of the County Commissioners of his desire to appeal, and on filing of said notice it shall be the duty of said clerk to deliver the papers connected therewith to the clerk of the said Court, and the same proceedings shall be had on the appeal as in cases of appeal from judgments of justices of the peace; provided, nevertheless, that the County Commissioners may decline to open, lay out, extend, widen, grade or straighten any road, drain, waterway or landing, notwithstanding the decision of the said Court; but in case of refusal to do so they shall be liable for all costs incurred and shall pay the same; all benefits assessed by virtue of the above provisions shall be prior liens on the respective lots or parcels of ground on which they are assessed from the time of the final ratification of the aforesaid returns, and shall be collected as taxes are now collected or may be collected by action at law. On appeal the Court or jury may alter the award so returned, whether of damages or benefits, and award costs in its discretion. On final ratification of any report of a commission appointed under the provisions of this section, the clerk to the County Commissioners shall at once record in a book kept for that purpose of said return, plat and all proceedings connected therewith; and if for any reason the person to whom damages are awarded refuse to receive the damages assessed or from infancy or any other cause are prevented from receiving or receipting for same, the damages so assessed shall be deposited in some bank in the City of Salisbury paying interest on deposits, if any, to the credit of the person entitled to such damages; and thereupon the County Commissioners may proceed in the same way as if said damages had been paid to the person or persons themselves. And for the purposes of the survey and plat provided for in this act the surveyor is authorized to go upon private property through which said proposed road, drain, watercourse or landing shall pass or be laid out and make whatever survey or surveys that he may deem necessary. And the County Commissioners shall have the right and power to condemn and acquire land adjacent to or near any county or public road, the material on which shall be deemed necessary or to be used in constructing or repairing any county or public road or public landings in the same manner as in this section provided for the opening, closing, extending, widening and straightening of county or public roads or public landings.

1912, ch. 331, sec. 124.

**245.** Public roads, drains and water courses may be opened, widened or straightened through any building, orchard, garden or yard, but not through any burial ground or cemetery without the permission and consent of the owner thereof in writing.

1912, ch. 331, sec. 125.

**246.** All new public roads hereafter opened in Wicomico county shall be made thirty feet wide, except when the County Commissioners shall deem that the public convenience and good may require them to be greater or less than thirty feet wide.